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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,653	01/30/2001	Peter J. Perley	CTM003/JTN	8167

26912 7590 08/01/2005

GOWLING LAFLEUR HENDERSON LLP  
COMMERCE COURT WEST, SUITE 4900  
TORONTO, ON M5L 1J3  
CANADA

EXAMINER
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GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/771,653

Applicant(s)

PERLEY ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/9/2005 & 7/19/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>7/19/2005</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/9/2005 has been entered.

### ***Response to Amendment***

2. The applicant's response received on 5/9/2005 is acknowledged and entered. Currently claims 1-30 are pending for examination.

### ***Response to Arguments***

3. Applicant's arguments filed 5/9/2005 have been fully considered but they are not persuasive for the same reasons as filed by the examiner in the Advisory action and mailed on 3/28/2005 and further discussed in a telephone Interview with the applicant Mr. Peter J. Perley and the applicant's attorney Mr. Jonathan Pollack on 7/19/2005. Copy of the Interview summary is enclosed. In view of the above all 1-25 claims are rejected for the same reasons as presented in the final action mailed on 11/8/2004. The reasons given in Advisory action are reproduced again below:

The applicant's arguments filed on 1/10/2005 have been fully considered but they are not persuasive for following reasons:

The applicant argues that one of an ordinary skill in the art after reading the applicant's invention would not have considered of combining the Basemen and Lewis references to arrive at the claimed invention of the applicant. The examiner respectfully disagrees because all; Basemen, Lewis and applicant's disclosure are directed to systems and methods in the field of business management and management decision making process. In Basemen, see at least col. 1, lines 5-16, the invention relates to using Financial Management considerations in making management decisions closely monitoring various performance measures of a company. One of the performance measures is monitoring cash-flow by using computer-implemented methods and software, see at least col.2, line 33- col.3,line 17, which is a similar objective as recited in the applicant's disclosure. Similarly, in Lewis, see at least col.1, lines 5-14, the invention is directed to data processing systems for financial management which includes computer- implemented methods and systems using software programs for monitoring cash-flow positions in making financial decisions, see at least col.2, line 48- col.3, line 18. Therefore, the examiner is of the opinion that teachings of Basemen and Lewis are relevant and combinable to render the teachings of the claimed invention obvious.

The applicant argues that Basemen and Lewis, neither individually nor combined, teaches the limitations cited in claim 1. The examiner respectfully disagrees, please see below.

The Basemen reference does disclose the claimed steps of:

providing a software system for monitoring a cash position of the business, said software system including one or more predetermined limits defined by the financial capacity of the business (see at least col.2, line 33-col.3, line 10, which teaching providing software system to monitor the cash management. The steps of providing information on sources and uses of funds to ensure liquidity to meet payment obligations requires monitoring the cash position of a business the steps of ensuring liquidity to meet payment obligations will inherently determine the capacity of business to make payments for its obligations. Also, see col.5, lines 49-53, col.6, lines 16-20, col.9, lines 2-55, col.10, lines 39-43, col.17, line 33-col.18, line 44, col.21, line 55-col.23, line 4 );

permitting said software system to periodically connect to the electronic records to receive updated transaction information to calculate a current cash position (see at least col.2, line 33-col.3, line 10, which teaching providing software system to monitor the cash management. The steps of providing information on sources and uses of funds to ensure liquidity to meet payment obligations requires connecting to the records of cash-receivable and payment obligations to calculate the updated position of cash-position because then only the system would ensure liquidity to meet

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payment obligations. Also, see col.5, lines 49-53, col.6, lines 16-20, col.9, lines 2-55, col.10, lines 39-43, col.17, line 33-col.18, line 44, col.21, line 55-col.23, line 4 );

calculating a cash position of the business in respect of a proposed transaction by the business; calculating a permitted cash position based on said updated transaction information and said one or more limits defined by said financial capacity; comparing the calculated cash position of the business after said proposed transaction to said permitted cash position (see at least col.2, line 33-col.3, line 10, which teaching providing software system to monitor the cash management. The steps of providing information on sources and uses of funds to ensure liquidity to meet payment obligations will require calculating a cash position/permitted cash position of the business in respect of a proposed transaction by the business based on updated transaction information and said one or more limits defined by said financial capacity and comparing the calculated cash position of the business after said proposed transaction to said permitted cash position to ensure liquidity to meet payment obligations. Also, see col.5, lines 49-53, col.6, lines 16-20, col.9, lines 2-55, col.10, lines 39-43, col.17, line 33-col.18, line 44, col.21, line 55-col.23, line 4.

Baseman also teaches taking steps to prevent the proposed transaction causing the business to fall outside of any said limits defined by the financial capacity, see at least col.9, lines 2-55, col.10, lines 39-43, and col.21, line 55-col.23, line 4 wherein the system defers the reordering after determining and calculating that the cash position is constrained and stops the enterprise from falling outside of any limits defined by the financial capacity.

Further, as acknowledged in the earlier office actions, Baseman does not explicitly teach providing an indication of the fact that the proposed transaction will cause the business to fall outside of any of said limits defined by the said financial capacity. In order to overcome this deficiency in Baseman, teachings of Lewis (see col.5, lines 56-61 and col.6, lines 43-47, that is to alert users/system that a transaction has caused a negative cash-balance and that it has not recovered in a pre-defined allowance time) were combined. One of an ordinary skill in the art can find strong motivation to combine Lewis and Basemen because Baseman explicitly teaches to defer a proposed transaction in order to avoid a negative cash-balance position, see at least col.9, lines 2-55, col.10, lines 39-43, and col.21, line 55-col.23, line 4, and therefore it will be required that when such a position is to arrive it should be informed to the management of the business to take corrective or right action and to avoid from going into-a negative or adverse cash-balance position.

The foregoing covers answers to all the arguments raised by the applicant in his amendment after Final action received on 1/10/2005 and since those arguments are not found persuasive the rejection of all claims as submitted is the earlier Office action (s ) is maintainable.

***Claim Rejections - 35 USC § 103***

4. Claims 1-5,13-15,17-26 are rejected under 35 USC 103(a) as unpatentable over Baseman (US Pat. No: 6,671,673) in view of Lewis(US Pat. No: 6,513,019) as cited in the Non-Final Office action . Claim 16 is rejected under 35 USC 103(a) as unpatentable over Baseman (US Pat. No: 6,671,673) in view of Lewis(US Pat. No:

6,513,019) and further in View of Official Notice as cited in the Non-Final Office action. The rejections as cited in the Non Final Office action are maintained and referenced.

5. As per claims 6-12 Baseman teaches a computerized system for monitoring a cash position of a business where the software will include one or more predetermined limits defined by the financial capacity of the business including bank margin, assets-liabilities ratio, cash flow debt to-equity ratio and dividends(col 6 lines 33-61 )(col 20 lines 39-58)(col 8 line 43-col 9 line 5) (col 5 line 66-col 6 line.61) (col 2 line 65-col 3 line 17)(col 20, lines 15-35).In addition to that taught by Baseman, Lewis further teaches monitoring the transaction t see if it falls outside of the limits defined by the financial capacity of the business (col 5 lines 56-61).It would have been obvious to one skilled in the art at the time of the invention to combine Baseman in view of Lewis to teach the claims. The motivation to combine is to teach a system for monitoring a cash position of the business and to provide a management information system that continuously posts transactions and monitors cash balances, and maintain costs and aggregates and nets payables and receivables and calculates profit loss, gain loss, and margin requirements as enunciated by Lewis col 5 lines 13-25).

6. As per claims 27-30 Baseman teaches a computerized method for monitoring a cash position of a business(col 6 lines 33-61). In addition to that taught by Baseman, Lewis teaches the software and the platform are operated by a third party external to the business and the capital provider(col 5 line 1-col 6 line 60). It would have been obvious to one skilled in the art at the time of the invention to combine Baseman in view of Lewis to teach the claims. The motivation to combine is to teach a system for



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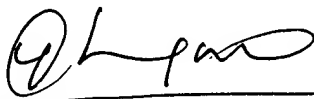
monitoring a cash position of the business and to provide a management information system that continuously posts transactions and monitors cash balances, and maintain costs and aggregates and nets payables and receivables and calculates profit loss, gain loss, and margin requirements as enunciated by Lewis col 5 lines 13-25).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yogesh C Garg  
Primary Examiner  
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YCG